

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA

Plaintiff,

VS.

NICHOLAS LINDSEY

Defendant,

2:11-CR-00217-LDG-CWH

MINUTES OF THE COURT

Dated: April 4, 2013

PRESENT:

THE HONORABLE **LLOYD D. GEORGE, U.S. DISTRICT JUDGE**

DEPUTY CLERK: DENISE SAAVEDRA COURT RECORDER: JOAN QUIROS

PRESENT FOR PLAINTIFF: CHRISTINA BROWN AND BRIAN YOUNG, AUSA

PRESENT FOR DEFENDANT: WILLIAM CARRICO, AFD

JURY TRIAL - DAY 4

Proceedings begin at 8:59 a.m. Defendant is present. Special Agent Regina Burris is present as case agent. Jurors are present at 9:02 a.m.

**Evangeline Klingbeil** is sworn to testify as a witness for the Government. Ms. Brown examines the witness. Ms. Brown passes the witness to Defense Counsel for cross examination. Following additional examination by Mr. Carrico and Ms. Brown, the witness is excused.

**Mark Bunnell** is sworn to testify as a witness for the Government. Mr. Young examines the witness. Government's exhibits 37, 38, 7, 29, 39, 45, 61 are marked and admitted and Government's exhibits 36, previously stipulated are marked and admitted. Mr. Young passes the witness to Defense Counsel for cross examination. Defense exhibits 543, 560, 594, and 645 (previously admitted with witness Mark Wade) are marked and admitted. Following additional examination by Mr. Young and Mr. Carrico, the witness is excused.

Proceedings recess at 10:26 a.m. until 10:57 a.m. Jury is excused.

Court reconvenes at 10:57 a.m. Outside the presence of the jury court addresses the objection prior to recess. The court sustains objection. Defense also objects to the introduction of exhibit 74. Government makes representations. Court grants Defendant's motion verbally to exclude evidence.

Jury is present at 11:07 a.m.

**Debra Levanway** is sworn to testify as a witness for the Government. Ms. Brown examines the witness. Government exhibit 77 is marked and admitted and exhibit 19 previously stipulated is also marked and admitted. The witness is excused.

**Special Agent Regina Burris** is sworn to testify as a witness for the Government. Mr. Young examines the witness. Government exhibit 79 is marked and admitted and exhibit 62B, 63, and 65 previously stipulated are marked and admitted, witness is excused.

Proceedings recess at 12:02 p.m. until 1:44 p.m. Jury is excused.

Jurors are present at 1:46 p.m.

Counsel for the Government reads Stipulation on the record.

**Ferdinand Carlos** is sworn to testify as a witness for the Government. Mr. Young examines the witness. Government's exhibits 78C, 78A, and 78B are marked and admitted, the witness is excused.

**FBI Special Agent John Teeling** is sworn to testify as a witness for the Government. Ms. Brown examines the witness. Government exhibit 75A, 75 are marked and admitted. Ms. Brown passes the witness to Defense counsel for cross examination. Mr. Carrico cross examines the witness, the witness is excused.

Proceedings recess at 3:01 p.m. until 3:19 p.m. Jury is excused

Outside the presence of the jury. Court addresses Governments Motion to Reconsider Exclusion of Evidence. Counsel both make representations. The court reverses previous ruling and will allow exhibit 74 entered.

Proceedings recess at 3:27 p.m. until 3:46 p.m. Jury is excused

Jurors are present at 3:46 p.m.

**Jason Payan** is sworn to testify as a witness for the Government. Ms. Brown examines the witness. Government exhibit 74 is marked and admitted. Ms. Brown passes the witness to Defense counsel for cross examination. Following additional examination by Ms. Brown, the witness is excused.

Government rests.

The Court admonishes the jury at 4:46 p.m. **IT IS THE ORDER OF THE COURT** that this matter is continued to Friday, April 5, at 1:00 P.M.

The jury exits at 4:46 p.m. Proceedings recess at 4:46 p.m.

**LANCE S. WILSON, CLERK**  
**UNITED STATES DISTRICT COURT**

/s/ Denise Saavedra  
DEPUTY CLERK